

Officer History

Officer Name: Adames, Francisco

Tax ID: 939842

Sex: M

Shield: 01542

Race: Hispanic

Rank: DT3

Command: 343

DOB: 09/22/1981

Appt Date: 01/09/2006

Age: 39

Tenure: 15

CCRB #	Report Date	Incident Date	Allegation	Disposition	NYPD Disposition	NYPD Penalty	Command
200807486	05/25/2008	05/25/2008	Force - Nightstick as club (incl asp & baton)	Exonerated			032
200906871	05/05/2009	04/29/2009	OMN - Failure to prepare a memo book entry	Other Misconduct			032
200908192	05/27/2009	05/20/2009	Discourtesy - Word	Complainant Uncooperative			032
200916472	10/22/2009	10/08/2009	Abuse - Threat of force (verbal or physical)	Unsubstantiated			032
	10/22/2009	10/08/2009	Abuse - Strip-searched	Substantiated (Command Discipline)	Command Discipline - B	Command Discipline - B	032
201400110	01/05/2014	12/28/2013	Abuse - Search (of person)	Exonerated			032
	01/05/2014	12/28/2013	Abuse - Frisk	Exonerated			032
	01/05/2014	12/28/2013	Discourtesy - Word	Substantiated (Charges)	APU Guilty	Forfeit vacation 10 days	032
	01/05/2014	12/28/2013	Abuse - Retaliatory summons	Substantiated (Charges)	APU Guilty	Forfeit vacation 10 days	032
201910335	11/29/2019	10/28/2019	Abuse - Entry of Premises				343
	11/29/2019	10/28/2019	Abuse - Search of Premises				343
Total Charges = 11				Total Cases = 6			

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amy Klein	Team: Team # 6	CCRB Case #: 200906871	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wed, 04/29/2009 2:00 PM	Location of Incident: West 145 Street between Lenox Avenue and 7th Avenue	Precinct: 32	18 Mo. SOL 10/29/2010	EO SOL 10/29/2010	
Date/Time CV Reported Tue, 05/05/2009 12:32 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/05/2009 12:32 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]		

Witness(es)	Home Address
1. [REDACTED]	

Subject Officer(s)	Shield	TaxID	Command
1. POM Sergio Merino	07385	933993	032 PCT
2. SGT Matthew Reid	03308	925973	032 PCT
3. POM Francisco Adames	04449	939842	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A . SGT Matthew Reid	Abuse of Authority: SGT Matthew Reid authorized the stop of the car in which [REDACTED] was an occupant.	A . Unsubstantiated
B . SGT Matthew Reid	Abuse of Authority: SGT Matthew Reid searched the car in which [REDACTED] was an occupant.	B . Substantiated
C . SGT Matthew Reid	Abuse of Authority: SGT Matthew Reid refused to provide his name and shield number to [REDACTED]	C . Unsubstantiated
D . POM Sergio Merino	Abuse of Authority: PO Sergio Merino refused to provide his name and shield number to [REDACTED]	D . Unsubstantiated
E . SGT Matthew Reid	Abuse of Authority: SGT Matthew Reid threatened to arrest [REDACTED]	E . Unsubstantiated
F . SGT Matthew Reid	Other: SGT Matthew Reid failed to prepare a stop and frisk report as required by Patrol Guide Procedure 212-11.	F . Other Misconduct
G . SGT Matthew Reid	Other: SGT Matthew Reid failed to prepare a memo book entry as required by Patrol Guide Procedure 212-08.	G . Other Misconduct
H . POM Sergio Merino	Other: PO Sergio Merino failed to prepare a memo book entry as required by Patrol Guide Procedure 212-08.	H . Other Misconduct
I . POM Francisco Adames	Other: PO Francisco Adames failed to prepare a memo book entry as required by Patrol Guide Procedure 212-08.	I . Other Misconduct

Case Summary

██████████ filed this complaint with the CCRB by phone on May 5, 2009 (encl. C 1-2). On April 29, 2009, at about 2:00 p.m., PO Sergio Merino, SGT Matthew Reid, and PO Francisco Adames pulled over Mr. ██████████'s car on West 145th Street between Lenox Avenue and 7th Avenue in Manhattan. The following allegations resulted:

Allegation A – Abuse of Authority: SGT Matthew Reid authorized the stop of the vehicle in which ██████████ was an occupant. Because the investigation could not come to a finding regarding the circumstances that led to the stop, it is recommended that **Allegation A** be **unsubstantiated**.

Allegation B – Abuse of Authority: SGT Matthew Reid searched the car in which ██████████ was an occupant. Because the investigation determined that SGT Reid lacked probable cause to search Mr. ██████████'s vehicle, it is recommended that **Allegation B** be **substantiated**.

Allegation C – Abuse of Authority: SGT Matthew Reid refused to provide his name and shield number to ██████████. Because the investigation could not come to a finding as to whether SGT Reid refused to provide this information to ██████████, it is recommended that **Allegation C** be **unsubstantiated**.

Allegation D – Abuse of Authority: PO Sergio Merino refused to provide his name and shield number to ██████████. Because the investigation could not come to a finding as to whether PO Merino refused to provide this information to Mr. ██████████, it is recommended that **Allegation D** be **unsubstantiated**.

Allegation E – Abuse of Authority: SGT Matthew Reid threatened to arrest ██████████. Because the investigation could not come to a finding as to whether SGT Reid threatened to arrest ██████████, it is recommended that **Allegation E** be **unsubstantiated**.

Allegation F – Other Misconduct: It is recommended that SGT Matthew Reid be cited for failure to prepare a stop and frisk report as required by Patrol Guide Procedure 212-11.

Allegation G – Other Misconduct: It is recommended that SGT Matthew Reid be cited for failure to prepare a memo book entry as required by Patrol Guide Procedure 212-08.

Allegation H – Other Misconduct: It is recommended that PO Sergio Merino be cited for failure to prepare a memo book entry as required by Patrol Guide Procedure 212-08.

Allegation I – Other Misconduct: It is recommended that PO Francisco Adames be cited for failure to prepare a memo book entry as required by Patrol Guide Procedure 212-08.

On May 7, 2009, the portion of this complaint that referenced ongoing harassment by PO Merino and SGT Reid was referred to IAB under log number 09-21768. Therefore this case was ineligible for mediation.

Results of Investigation

Civilian Statement:

Complainant/Victim:

- ██████████ is a 5'10", 210 lb, 44-year-old black male with brown hair and brown eyes.

CCRB Testimony

██████████ was interviewed at the CCRB on May 18, 2009 (encl. C 3-6). On May 27, 2009, the investigator called ██████████ in order to obtain additional information (encl. C 7). With the

exception of the threat of arrest allegation, which [REDACTED] did not include in his initial complaint, [REDACTED]'s testimony remained consistent. A synthesis of his statements follows.

On April 29, 2009, at about 2:00 p.m., [REDACTED] was driving from his home in the Bronx to a friend's house in Manhattan. His girlfriend [REDACTED] was in the passenger's seat and their baby was in a car seat in the back. [REDACTED] pulled his burgundy Chrysler Town and Country van into the Getty gas station on West 145th Street between Lenox and 7th Avenues in Manhattan.

[REDACTED] looked through the rearview mirror and saw flashing lights. A black Ford Crown Victoria was behind him. Three plainclothes officers, identified as PO Merino, SGT Reid, and PO Adames, exited the vehicle—SGT Reid from the front passenger's seat, PO Merino from the back seat, and PO Adames from the driver's seat. SGT Reid was a 5'2", 150 lb, 32-year-old white male with brown hair. PO Merino was a 5'6", 130 lb, 26-year-old Hispanic male with black hair. PO Adames was a dark-skinned Indian male. This was the fifth time that SGT Reid and PO Merino had stopped [REDACTED] since they arrested him for possession of marijuana and knives in November of 2008. [REDACTED] recognized SGT Reid as a sergeant from these previous occasions.

All three officers approached [REDACTED]'s car. SGT Reid came to the passenger's side and PO Adames came to the driver's side. SGT Reid pointed at PO Adames as if giving him an order. PO Adames took out a badge and showed it to [REDACTED]. PO Adames told [REDACTED] to turn off the ignition, put the car keys on the dashboard, and get out of the car. SGT Reid told [REDACTED] to get out of the car as well. [REDACTED] asked, "For what?" and SGT Reid replied, "Don't ask questions. Just do as I say." [REDACTED] exited the vehicle. [REDACTED] took the baby and also exited the car. The officers told [REDACTED] and [REDACTED] to stand at the back of the car and they complied.

SGT Reid searched the van. He pulled the mats out from underneath the two front seats and examined the floor. He also felt the cloth on the ceiling, opened the glove compartment, and dumped its contents onto the floor. He opened the back hatch and emptied out a crate in which [REDACTED] had stored cleaning products for the car. SGT Reid also opened the compartment in the central console and took the baby's car seat out of the car. While he was searching the back hatch, SGT Reid broke a small plastic screw.

PO Merino and PO Adames stood on either side of [REDACTED] and guarded him as SGT Reid searched the van. [REDACTED] was standing at the back bumper, facing the car. [REDACTED] also stood with the officers and waited as SGT Reid conducted the search. She did not say anything to the officers and the officers did not say anything to her. PO Merino asked [REDACTED] what he was doing in Manhattan and said that [REDACTED] should not come there. [REDACTED] stated that his friends and family live in Manhattan and that he could go there if he wanted. [REDACTED] asked SGT Reid why he was searching his car and SGT Reid did not reply.

More than ten people gathered across the street to watch the car search. The gas station attendants also looked on as SGT Reid searched the car. When the search was over, [REDACTED] asked SGT Reid whether he had found anything and SGT Reid said that he hadn't. [REDACTED] told SGT Reid that he was going to file a complaint and then asked SGT Reid and PO Merino for their names and badge numbers. In response, SGT Reid told [REDACTED] "If you report these guys, you had better watch your back." An officer, either SGT Reid or PO Merino, said, "Just wait and see what happens." [REDACTED]'s accounts of who said this varied. [REDACTED] also alleged that SGT Reid came up alongside him and bumped his shoulder into [REDACTED]'s shoulder, saying, "If you report any of these guys, you make a sad mistake." This was not a forceful bump. SGT Reid then told [REDACTED] to get back in his car and "Get the fuck out of here before I lock you up."

[REDACTED] walked across the street to a convenience store to buy cigarettes. As he crossed the street, he noticed that the officers were still watching him from their car. The store clerk was a 37-year-old, 6'0", 210 lb African male. When [REDACTED] exited the store, the officers' car was gone. [REDACTED] then filled up his gas tank, left the gas station, and continued on to his friend's house. At some point at the beginning of the incident, SGT Reid asked [REDACTED] if he knew

anything about any guns. [REDACTED] did not explain when this happened. [REDACTED] was released without a summons.

Attempts to Contact Civilians

Between May 26, 2009, and May 27, 2009, the investigator mailed [REDACTED] a letter and called her twice; the calls did not go through. On May 27, 2009, the investigator called [REDACTED] and obtained a new phone number for [REDACTED]. Between May 27, 2009, and June 19, 2009, the investigator mailed [REDACTED] two letters and called her three times. On one occasion, the investigator left [REDACTED] a message; on the other two occasions, the number was not accepting calls. On June 19, 2009, Verizon and White Pages searches yielded a new address for [REDACTED] and the investigator mailed a letter to this address. On June 24, 2009, a [REDACTED] residing at this address called the CCRB and stated that she did not know [REDACTED] and had not witnessed the incident. A Lexis Nexis search yielded no results for [REDACTED]' address or phone number.

On May 28, 2009, the investigator conducted a canvass of the incident location. The investigator spoke with employees at the Getty gas station between Lenox Avenue and 7th Avenue in Manhattan and with the clerk at the store across the street. However, the investigator was unable to locate any witnesses to the incident.

NYPD Statements:

Subject Officer: PO SERGIO MERINO

- *PO Merino is a 32-year-old, 5'9", 160 lb Hispanic male with brown hair and brown eyes.*
- *On the incident date, his assignment was anti-crime. He worked from 9:30 a.m. to 6:05 p.m. with PO Adames. He was dressed in plainclothes and assigned to a black, unmarked sedan.*

Memo Book

PO Merino had no entries in his memo book regarding this incident (encl. D 2).

CCRB Testimony

On June 9, 2009, PO Merino was interviewed at the CCRB (encl. D 3-4.) He stated that he was in the stationhouse at the time of the incident. PO Merino was familiar with [REDACTED] because he once arrested him for possession of marijuana. However, PO Merino did not recall stopping [REDACTED] or making any car stops on the incident date. PO Merino did recall an occasion when he backed up a unit that had pulled [REDACTED]'s car over but he did not recall the date or location of that stop. On that occasion, PO Merino exited his car and asked if the officers were okay. The officers gave him the thumbs up. (PO Merino did not recall whether these officers belonged to his command.) [REDACTED] then saw PO Merino and said he was going to file a CCRB complaint against him. PO Merino got back in his car and left. PO Merino has also seen [REDACTED] several times on the street and [REDACTED] always says he is going to file a CCRB complaint against him. PO Merino did not recall any officer searching [REDACTED]'s car. He did not threaten to arrest [REDACTED], nor did he hear any other officer do so. He never heard [REDACTED] ask for his name or badge number.

Subject Officer: SGT MATTHEW REID

- *Sergeant Reid is a 32-year-old, 5'8", 175 lb white male with brown hair and blue eyes.*
- *On the incident date, Sergeant Reid's assignment was anti-crime supervisor. He worked from 9:26 a.m. to 6:10 p.m. with PO Merino. He was dressed in plainclothes and was assigned to an unmarked, Ford Crown Victoria.*

Memo Book

Sergeant Reid had no entries in his memo book regarding his incident (encl. D 5-7).

CCRB Testimony

On September 1, 2009, SGT Reid was interviewed at the CCRB (encl. D 8-9). SGT Reid was on routine patrol when he observed a red minivan make an unsafe lane change on West 145th Street. The driver was coming off of the 145th Street Bridge and was weaving in and out of traffic while proceeding westbound through the intersection. SGT Reid and PO Merino pulled the auto over in front of a gas station at West 145th Street and Lenox Avenue. Sergeant Reid and PO Merino approached the minivan together, with PO Merino standing on the driver's side and SGT Reid standing on the passenger's side. SGT Reid recognized the driver from an arrest he had made several months earlier. [REDACTED] was alone in the car.

As the officers approached, and later, while they were speaking with [REDACTED], SGT Reid observed [REDACTED] reaching and moving around the car. More specifically, SGT Reid observed [REDACTED]'s head going up and down and saw [REDACTED]'s hand going towards different areas, including the center console and the glove compartment. SGT Reid ordered [REDACTED] to stop; however, [REDACTED] did not stop. SGT Reid and PO Merino commented to each other that [REDACTED] was moving around too much.

Immediately upon approaching [REDACTED], SGT Reid also noticed a strong odor of marijuana coming from the car. PO Merino and SGT Reid again commented to each other about this. SGT Reid remembered that [REDACTED] had been carrying a large gravity knife the last time he was arrested. Based on these circumstances, PO Merino and SGT Reid both ordered [REDACTED] to exit the vehicle. PO Merino conferred with SGT Reid regarding this decision. [REDACTED] complied with the order.

After [REDACTED] had exited the vehicle, SGT Reid walked around to PO Merino's side of the car. PO Merino frisked [REDACTED]'s waistband and pockets for weapons with negative results. PO Merino did not search [REDACTED]'s person. SGT Reid believed that [REDACTED] might have had a weapon based on both the way in which [REDACTED] had reached around in the car and his possession of a weapon during his previous arrest. To verify that there were no weapons inside [REDACTED]'s car, SGT Reid searched the lungeable area, including the driver's and passenger's seats, the floor, the center console, and the glove compartment.

Inside the center console, SGT Reid found a small amount of marijuana residue in its packaging. This residue was marijuana dust or crushed up pieces of marijuana and was located in bags that are used for packaging marijuana. SGT Reid warned and admonished [REDACTED] for this offense as well as for the unsafe lane change. SGT Reid did not feel that it was necessary to issue [REDACTED] a summons and stated that he used his own discretion not to do so. SGT Reid and PO Merino left the marijuana and the packaging inside [REDACTED]'s car. They then resumed patrol. The entire duration of the stop was about three minutes.

[REDACTED] appeared agitated throughout the encounter; however, SGT Reid could not remember anything in particular that [REDACTED] said or did. SGT Reid did not recall [REDACTED] stating that he was going to file a CCRB complaint. SGT Reid stated that both he and PO Merino spoke with [REDACTED] on this occasion, but emphasized that he had done most of the talking himself. SGT Reid believed that he and PO Merino were the only two officers present. [REDACTED] did not ask for the officers' names and badge numbers. SGT Reid did not recall any officer saying, "If you report these guys, you had better watch your back," "If you report these guys, you make a sad mistake," or "Get the fuck out of here before I lock you up."

Subject Officer: PO FRANCISCO ADAMES

- *PO Adames is a 28-year-old, 5'10", 160 lb black and Hispanic male with black hair and brown eyes.*
- *On the incident date, his assignment was anti-crime. He worked from 9:30 a.m. to 6:05 p.m. with PO Merino and SGT Reid. He was dressed in plainclothes and was assigned to an unmarked, tan Impala.*

Memo Book

PO Adames had no entries in his memo book regarding his incident (encl. D 10-12).

CCRB Testimony

On October 1, 2009, PO Adames was interviewed at the CCRB (encl. D 13-14). PO Adames and his partners pulled over [REDACTED]'s vehicle for failing to signal. [REDACTED] pulled into a gas station. PO Adames stood at the back of [REDACTED]'s car while PO Merino and SGT Reid approached the driver's seat. [REDACTED] was alone in the car. PO Adames had no conversation with [REDACTED] and could not hear what the officers were saying to him. The conversation appeared calm. PO Adames did not see [REDACTED] reaching around the car.

There was no indication that [REDACTED] had been smoking marijuana. PO Adames did not smell an odor of marijuana. [REDACTED] was not asked to step out of the vehicle and never did so. No officer searched the car. [REDACTED] was simply given a warning for failing to signal and sent on his way. PO Adames did not know which officer issued the warning but stated that he had not issued the warning himself. PO Adames was able to hear the warning being issued.

PO Adames was not familiar with [REDACTED] from any prior arrests. PO Adames did not hear any officer ask [REDACTED] what he was doing in Manhattan or tell [REDACTED] not to come there. The officers did not ask [REDACTED] any questions regarding weapons. [REDACTED] did not ask for the officers' names or badge numbers and did not say that he was going to file a CCRB complaint. No officer had to tell [REDACTED] to leave the location.

NYPD Document(s)

Roll Call

The 32nd Precinct roll call from the incident date shows that PO Merino and PO Adames were assigned to an anti-crime team with Sergeant Reid as their supervisor. All three officers were assigned to the same vehicle. No other officers were assigned to this vehicle (encl. E 14-27).

UF-250 Index

The UF-250 index from the incident date is enclosed. There is no entry for [REDACTED] (encl. E 29-30).

Information Regarding the November 12, 2008, Arrest

Memo Book

PO Merino noted that on November 12, 2008, at 1:45 p.m., he made one arrest in the vicinity of 103 West 144th Street in Manhattan. During a vehicle stop, a gravity knife and folding knife were discovered in plain view. 47 bags of marijuana were subsequently recovered from the area between the driver's and passenger's seats (encl. D 1).

Arrest Report

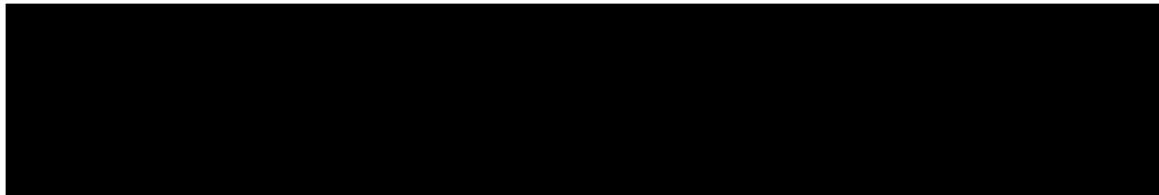
The report states that at 1:45 p.m. on November 12, 2008, PO Merino arrested [REDACTED] in the vicinity of 103 West 144th Street in Manhattan. According to the narrative, during a routine car stop, [REDACTED] was found to be in possession of a gravity knife, a folding knife, and 47 small bags of marijuana. PO Merino charged [REDACTED] with criminal possession of a weapon and possession of marijuana (encl. E 31).

Roll Call

The 32nd Precinct roll call from November 12, 2008, indicates that SGT Reid worked a tour of 9:15 a.m. by 6:12 p.m. and PO Merino worked a tour of 9:30 a.m. by 6:05 p.m. SGT Reid and PO Merino were assigned to the same vehicle. No other officers were assigned to this vehicle (encl. E 1-13).

Status of Civil Proceedings

- [REDACTED] has not filed a Notice of Claim with the City of New York as of December 8, 2009, with regard to the incident.



Civilian's CCRB History

- This is the first CCRB complaint filed by [REDACTED] (B 4).

Subject Officers' CCRB History

- PO Merino has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. B 2).
- SGT Reid has been a member of the service for nine years and there are no substantiated CCRB allegations against him. (encl. B 1).
- PO Adames has been a member of the service for three years and there are no substantiated CCRB allegations against him (encl. B 3).

Conclusion

Identification of Subject Officers

SGT Reid and PO Adames both acknowledged that they interacted with [REDACTED]. Although PO Merino did not recall the incident, PO Adames and SGT Reid confirmed PO Merino's participation in the incident. Furthermore, [REDACTED]'s physical description matched the appearance of PO Merino and PO Merino's presence was corroborated by the roll call.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority: SGT Matthew Reid authorized the stop of the vehicle in which [REDACTED] was an occupant.

[REDACTED] reported that the officers stopped his car while he was parked at a gas station. Meanwhile, SGT Reid stated that he stopped [REDACTED]'s car for weaving in and out of traffic and that [REDACTED] subsequently pulled into the gas station. SGT Reid was specific in his description

of the type of moving violation that [REDACTED] committed and the location in which he committed it. Furthermore, PO Adames confirmed SGT Reid's testimony, stating that he observed [REDACTED] make an unsafe lane change and then heard SGT Reid admonishing [REDACTED] for this offense. This explanation for the stop of [REDACTED]'s car is plausible.

Yet, ultimately, the investigation could not discount the more significant discrepancies in and amongst the officers' statements—particularly with regards to the search of [REDACTED]'s vehicle and the justification for this search. Given that SGT Reid and PO Merino recalled arresting [REDACTED] in the past, it is just as plausible that they saw him at the gas station and decided to question him, without having observed any infraction at all. SGT Reid, in particular, indicated a general familiarity not only with [REDACTED] but also with the color and model of Mr. [REDACTED]'s car. Together, SGT Reid and PO Merino could have easily recognized [REDACTED] and his vehicle and decided to stop him. Furthermore, since [REDACTED] never received a summons for any traffic violation, there is no documentation of SGT Reid's claim that [REDACTED] committed a moving violation. Ultimately, the investigation could not come to a positive finding regarding the circumstances surrounding the stop of [REDACTED]'s vehicle. It is therefore recommended that **Allegation A be closed as unsubstantiated.**

Allegation B – Abuse of Authority: SGT Matthew Reid searched the car in which [REDACTED] was an occupant.

SGT Reid claimed that he searched [REDACTED]'s car because he smelled marijuana and subsequently found marijuana inside the car. However, the investigation determined that Sgt. Reid did not make these observations. PO Adames directly contradicted SGT Reid's testimony regarding the marijuana, thereby suggesting that SGT Reid's testimony was not reliable. Mr. [REDACTED] identified PO Adames as the officer who approached the front seat along with SGT Reid. Under these circumstances, if SGT Reid noticed a strong scent of marijuana, then PO Adames should have perceived it as well. However, PO Adames told the CCRB that he never smelled any odor of marijuana and that there was never any indication that [REDACTED] had been smoking marijuana in the car. Furthermore, SGT Reid told the CCRB that he issued two verbal warnings to [REDACTED]—the first for committing a traffic violation and the second for smoking marijuana. However, PO Adames stated that SGT Reid only warned [REDACTED] for committing a traffic violation.

PO Adames' testimony is significant because, of the three officers involved in the stop, only PO Adames was not familiar with [REDACTED] from the previous arrest. PO Adames, therefore, had no way of knowing that [REDACTED] had been previously found to store marijuana in his vehicle. Meanwhile, SGT Reid was well aware that [REDACTED] had, on an earlier occasion, been arrested for possession of marijuana following a motor vehicle stop. Since SGT Reid remembered having arrested [REDACTED] for possession of marijuana on an earlier occasion, he could have easily used his knowledge of [REDACTED]'s drug of choice to craft a justification for the search of [REDACTED]'s car.

The fact that SGT Reid let [REDACTED] go with only a verbal warning strongly suggests that there was no marijuana odor or remnants inside [REDACTED]'s car. If SGT Reid had smelled marijuana and subsequently discovered crushed pieces of marijuana inside [REDACTED]'s car, then SGT Reid would have had the authority to issue [REDACTED] a summons. Yet SGT Reid did not choose to do so. Furthermore, if there had been marijuana in [REDACTED]'s car, then SGT Reid could have arrested [REDACTED] for possession of marijuana. Yet again, SGT Reid did not take this step. The fact that SGT Reid did not arrest [REDACTED], despite the fact that he had previously arrested [REDACTED] for this same offense, strongly suggests that there was no evidence that Mr. [REDACTED] possessed marijuana on this occasion.

In the case of PD v. Dowd and Rose, OATH Index No. 1189-90/90 (1990), the court ruled that “the officers’ failure to arrest or issue summonses” for the numerous felonies and misdemeanors they claimed to have observed indicated that the officers had not in fact observed any evidence of criminal activity (encl. A 1-9). Similarly, in the case of PD v. Schmidt, Delaney, and Kurys, DCT Case Nos. 7644-46/00 (2002), the court ruled that, since Mr. Chilliast was never issued a summons for running a red light, it was most likely that “PO Delaney fabricated a claim that Chilliast’s car had gone through a red light as a pretext to justify what he knew was an improper car stop” (encl. A 10-22). As in the above cases, Sgt. Reid’s failure to document any of his alleged observations constitutes compelling evidence that he did not smell marijuana or find any marijuana leaves in [REDACTED]’s car.

Similarly, the investigation did not credit SGT Reid’s claim that he observed [REDACTED] reaching around the vehicle, as if to gain access to a weapon. Given SGT Reid’s knowledge of [REDACTED]’s previous arrest for possession of a gravity knife, SGT Reid could have easily fabricated a narrative to justify a search of the lungeable area. Significantly, where the suspected presence of weapons was concerned, SGT Reid’s statement was again inconsistent with the testimony provided by PO Adames. PO Adames, who had no knowledge that [REDACTED] had previously been arrested for weapons possession, stated that he did not see [REDACTED] reaching around the car and heard no discussion among the officers regarding any weapons.

If SGT Reid investigated whether [REDACTED] had weapons inside his vehicle, and did not issue [REDACTED] a summons, then SGT Reid should have prepared a UF-250 documenting the encounter. The fact that SGT Reid did not prepare a UF-250 detracts considerably from his claims that an investigative stop of [REDACTED]’s vehicle was justified. Finally, the fact that neither SGT Reid nor any of his officers prepared a memo book entry regarding the incident suggests that SGT Reid did not conduct this investigation in good faith. A preponderance of the evidence suggests that SGT Reid lacked probable cause to search [REDACTED]’s vehicle and did so solely based on the fact that he had found drugs and weapons in [REDACTED]’s car during a previous arrest. It is therefore recommended that **Allegation B be closed as substantiated.**

Allegation C – Abuse of Authority: SGT Matthew Reid refused to provide his name and shield number to [REDACTED]

Allegation D – Abuse of Authority: PO Sergio Merino refused to provide his name and shield number to [REDACTED]

[REDACTED] stated that when he asked SGT Reid and PO Merino for their names and shield numbers, SGT Reid responded, “If you report these guys, you had better watch your back,” and “If you report any of these guys, you make a sad mistake.” [REDACTED] also stated that an officer, either SGT Reid or PO Merino, stated, “Just wait and see what happens.” Given the inconsistency of [REDACTED]’s various versions of who said what, it is possible that [REDACTED] was fabricating these allegations. However, since SGT Reid and PO Merino did not prepare a 250, a memo book entry, a summons, or any other documents that could have potentially linked them to this incident, it is unlikely that they would have verbally provided [REDACTED] with their identifying information. Nevertheless, since PO Adames did not hear [REDACTED] ask for SGT Reid’s and PO Merino’s names and shield numbers, and since no independent testimony was available, the investigation could not come to a finding regarding whether SGT Reid and PO Merino refused to provide their names and shield numbers to [REDACTED]. It is therefore recommended that **Allegations C and D be closed as unsubstantiated.**

Allegation E – Abuse of Authority: SGT Matthew Reid threatened to arrest [REDACTED]

[REDACTED] alleged that SGT Reid stated, “Get the fuck out of here before I lock you up.” However, SGT Reid did not recall any officer saying this. Given the general implausibility of

SGT Reid's statement, it is possible that SGT Reid threatened to arrest [REDACTED]. However, since neither PO Merino's nor PO Adames' statement confirmed that SGT Reid issued this threat, and since no independent witness testimony was available, the investigation could not come to a finding regarding whether SGT Reid threatened [REDACTED] with arrest. It is therefore recommended that **Allegation E be closed as unsubstantiated.**

Allegation F – Other Misconduct: SGT Matthew Reid failed to prepare a stop and frisk report as required by Patrol Guide Procedure 212-11.

The investigation determined that no UF-250 was prepared in relation to this incident. According to Patrol Guide Procedure 212-11, "when a uniformed member of the service reasonably suspects a person has committed, is committing, or is about to commit a felony or Penal Law misdemeanor," an officer must "prepare a stop, question, and frisk worksheet for each person stopped" (encl. A 25-28). The investigation determined that SGT Reid searched Mr. [REDACTED]'s car because he suspected [REDACTED] to possess weapons and marijuana. Since SGT Reid never prepared a stop, question, and frisk worksheet in connection with the search of Mr. [REDACTED]'s vehicle, it is recommended that he be cited with Other Misconduct for failing to do so.

Allegation G – Other Misconduct: SGT Matthew Reid failed to prepare a memo book entry as required by Patrol Guide Procedure 212-08.

Allegation H – Other Misconduct: PO Sergio Merino failed to prepare a memo book entry as required by Patrol Guide Procedure 212-08.

Allegation I – Other Misconduct: PO Francisco Adames failed to prepare a memo book entry as required by Patrol Guide Procedure 212-08.

According to Patrol Guide Procedure 212-08, officers must note in their memo books information pertinent to any "observed/suspected violation of law, i.e., action taken, narrative description, forms prepared with any identifying serial number, etc" (encl. A 23-24). The investigation determined that, upon stopping [REDACTED]'s vehicle, SGT Reid, PO Merino, and PO Adames conducted an investigation into a suspected possession of weapons and drugs. Yet all three officers failed to note the incident in their memo books. SGT Reid's and PO Adames' failure to document the infractions they claimed to have observed ultimately detracted considerably from the credibility of their statements. Meanwhile, PO Merino's lack of a memo book entry hindered the progress of the investigation as he was unable to recall or provide any narrative of the incident to the CCRB. It is therefore recommended that they each be cited for other misconduct for failing to document this incident in their memo books as required.

Team: _____

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Investigator: _____
Signature _____ Print _____ Date _____

Supervisor: _____
Title/Signature _____ Print _____ Date _____

Reviewer: _____
Title/Signature _____ Print _____ Date _____

Reviewer: _____
Title/Signature Print Date